



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

NOV 22 2006

James F. Bennett
Branch of Environmental Assessment
Minerals Management Service
381 Elden Street
Herndon, Virginia 20170-4817

Dear Mr. Bennett:

The Environmental Protection Agency (EPA), in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, has reviewed the Minerals Management Service's (MMS) Draft Environmental Impact Statement (EIS) on the Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012 (CEQ # 20060355).

In general, we believe that this draft EIS provides much of the programmatic level information necessary to assess the environmental impacts associated with the leasing program, and possible future exploration and development activities. However, we have some concerns relating to the EIS's analysis of potential impacts and possible mitigation measures in leasing areas that were previously excluded from leasing in the 2002-2007 Lease Program and the cumulative impacts analysis.

In the Chukchi Sea program area, the preferred alternative includes an area that was previously excluded from leasing in the 2002-2007 Lease Program due to the area's biological, cultural and subsistence resource values. The preferred alternative also proposes to open the North Aleutian Basin (Bristol Bay) to oil and gas leasing, which is home to several threatened and endangered marine mammals and species of concern, including the North Pacific right whale, sei whale, fin whale, humpback whale, northern fur seal, stellar sea lion, and northern sea otter. In the Mid-Atlantic area, which was previously excluded from leasing in the 2002-2007 Lease Program, the preferred alternative proposes to offer one lease sale. The final EIS should discuss mitigation measures that would avoid or reduce impacts to these three areas that have previously been excluded from leasing.

EPA believes that the cumulative impacts discussion should be expanded in certain areas to include relevant additional non-OCS activities. For example, in Alaska, increased marine vessel traffic and land use alterations resulting from mining activity at the proposed Donlin Creek, Rock Creek/Big Hurrah and Pebble hard rock mine projects and the Chuitna Coal project

should be included in the analysis. In the Gulf of Mexico, there are certain hurricane restoration activities that should be considered for their potential to exacerbate cumulative impacts in the Gulf.

The draft EIS makes reference (see section IV.B.3) to potential wastewater discharges from exploration, development and production activities in the OCS, and the applicability of National Pollutant Discharge Elimination System (NPDES) permits for discharges. EPA recommends that the discussions in this section (and elsewhere in the EIS regarding wastewater discharges and the NPDES permits) clarify that for OCS exploration activities, drilling fluids (drilling muds and cuttings), domestic wastewater and other discharges may be covered under NPDES individual or general permits.

In view of the issues above, EPA has rated this EIS as EC-2 (Environmental Concerns/Insufficient Information). EPA's review has identified concerns with potential mitigation to impacts of developing previously excluded areas and cumulative impact issues.

Thank you for the opportunity to review the draft EIS. If you have any questions regarding our comments, please contact me at 202-564-5400 or contact Ken Mittelholtz at 202-564-7156.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne N. Miller".

Anne Norton Miller
Director
Office of Federal Activities